

### **REMARKS**

Initially, applicant wishes to acknowledge with appreciation the Examiner's indication of allowable subject matter in claims 1–19. In this response, claims 1, 2, 10 and 12 are amended, none of the claims have been canceled, and claims 20-23 are new.

### **Oath/Declaration**

In the Office Action the Examiner has indicated that the Declaration is defective, as it does not include the date of execution. In response, applicant submits herewith a corrected Declaration that is properly executed with the inventor's name and date of signature on the Declaration. As a result applicant respectfully requests that the Examiner withdraw the objection to the Declaration.

### **Claim Rejections**

#### **a. 37 CFR 1.75(c)**

In the Office Action the Examiner has objected to claim 12 under 37 CFR 1.75(c) as being of improper dependent form. Specifically, the Examiner states that claim 12 does not further limit the apparatus limitations but includes a process limitation.

Applicant respectfully traverses the Examiner's objection to claim 12. More specifically, with this response applicant has amended claim 12 to add an apparatus limitation to claim 12 that is supported by the specification on page 7, lines 20–23, and which further limits the subject matter of claim 11 from which claim 12 depends. As a result, applicant respectfully requests that the Examiner withdraw the objection to claim 12.

#### **b. 35 U.S.C. §112**

In the Office Action the Examiner has rejected claims 1–19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully traverses the Examiner's rejections to claims 1–19 based on 35 U.S.C. §112, second paragraph. More specifically, with regard to claims 1, 2 and 10, applicant

has amended each of these claims to include language illustrating the connection of the various claim elements to one another in order to form the milking plant covered by these claims in a manner consistent with the specification. Further, regarding claims 11 and 18, each of the recited limitations “transport line”, “a vacuum supply”, and “a milking vacuum system” are further specifications of limitations previously stated in claim 10 from which both claim 11 and claim 18 depend. Therefore, the interconnection of the elements in claim 10 also suffices to interconnect these more specified elements in claims 11 and 18 such that these claims are definite.

Further, claim 12, as discussed previously, has been amended to include a limitation to the milking plant of claim 11 to render claim 12 a proper claim under 35 U.S.C. §112, second paragraph.

As a result, because each of the claims of the application are believed to be definite, applicant respectfully requests that the Examiner withdraw the rejections to claims 1–19.

### **Newly Presented Claims**

#### **a. Independent Claim 20**

Independent claim 20 is believed to be presented in condition for allowance and its allowance is respectfully requested. Independent claim 20 recites limitations of a similar scope to that recited in independent claim 1, a claim indicated by the Examiner as reciting allowable subject matter. Moreover, none of the references of record disclose, teach or suggest, alone or in combination, the combination of limitations the recited in independent claim 20. For at least these reasons, it is believed that independent claim 20 is presented in condition for allowance and its allowance is respectfully requested.

#### **b. Independent Claim 21**

Independent claim 21 is believed to be presented in condition for allowance and its allowance is respectfully requested. Independent claim 21 recites limitations of a similar scope to that recited in independent claim 1 and dependent claim 2, claims indicated by the Examiner

as reciting allowable subject matter. Moreover, none of the references of record disclose, teach or suggest, alone or in combination, the combination of limitations the recited in independent claim 21. For example, none of the references of record disclose, teach or suggest the combination of a milk storage valve, pressure regulator, and cleaning arrangement that is recited in independent claim 21. For at least these reasons, it is believed that independent claim 21 is presented in condition for allowance and its allowance is respectfully requested.

**c. Dependent Claim 22**

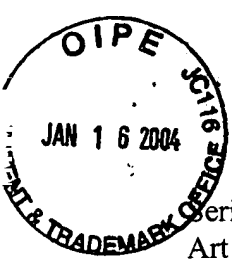
Dependent claim 22 is believed to be presented in condition for allowance for the same reasons as previously set forth above in support of the patentability of independent claim 21. In addition, none of the references of record, alone or in combination, disclose, teach or suggest a cleaning arrangement that further includes a cleaning valve that enables the cleaning fluid supply line to be selectively able to be in fluid flow communication with the cleaning arrangement as well as with the milk collector to thereby provide a closed fluid loop. For at least these reasons, it is believed that dependent claim 22 is presented in condition for allowance and its allowance is respectfully requested.

**d. Independent Claim 23**

Independent claim 23 is believed to be presented in condition for allowance and its allowance is respectfully requested. Independent claim 23 recites limitations of a similar scope to that recited in independent claim 1 and dependent claims 2 and 3, claims indicated by the Examiner as reciting allowable subject matter. Moreover, none of the references of record disclose, teach or suggest, alone or in combination, the combination of limitations the recited in independent claim 23. For at least these reasons, it is believed that independent claim 23 is presented in condition for allowance and its allowance is respectfully requested.

**e. Independent Claim 24**

Independent claim 24 is believed to be presented in condition for allowance and its allowance is respectfully requested. Independent claim 24 recites limitations of a similar scope to that recited in independent claim 1 and dependent claims 2-5, claims indicated by the Examiner as reciting allowable subject matter. Moreover, none of the references of record disclose, teach or suggest, alone or in combination, the combination of limitations the recited in independent claim 24. For at least these reasons, it is believed that independent claim 23 is presented in condition for allowance and its allowance is respectfully requested.



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**Conclusion and Request for Two-Month Extension**

Please find enclosed a check in the amount of \$836, of which \$420 is allotted for a two-month extension of time from November 13, 2003 to January 13, 2004 for a large entity, and \$416 is allotted for adding four claims beyond the 20 claims normally allotted and adding four independent claim beyond the three independent claims normally allotted. No other fees are believed to be payable with this response. Nonetheless, the Director is authorized to charge any fees or credit any overpayments to Deposit Account No. 50-1170.

Applicant has put forth every effort to place this application in condition for allowance, and such action is earnestly requested.

If the Examiner believes that a telephone interview with applicant's attorney would facilitate the allowance of this application, the Examiner is invited to contact applicant's attorney by telephone.

Respectfully submitted,

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Dated: JANUARY 13, 2004

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